



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

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Frequently Asked Questions
Regarding the DLR's Updated Procedures
December 2021

1. Will my investigation be conducted in person or remotely?

At this time, all investigations are being conducted remotely via WebEx.

2. Will my hearing be conducted in person or remotely?

At this time, all pre-hearing conferences are being conducted remotely via WebEx.

Hearings scheduled through March 2022 may be held in person upon agreement of the parties. Everyone who is participating in the hearing must be physically present at the Boston office, and no one will be permitted to appear or observe the hearing remotely.

Hearings scheduled after April 1, 2022, will be held in the Boston Office, and the parties must make all necessary arrangements to appear in person. The DLR will consider requests to allow witnesses to appear virtually. All such requests must be filed in writing with the hearing officer 14 days in advance of the hearing and must be supported by good cause. Generally speaking, good cause does not include mere inconvenience or the individual preferences of the participants.

3. Will my mediation be conducted in person or remotely?

Mediation of ULP cases will be conducted remotely via WebEx or by telephone. Contract mediation may take place in person if agreed to by the parties, otherwise it will take place remotely via WebEx or by telephone.

4. Will my fact-finding be conducted in person or remotely?

Each individual factfinder will decide the format for their fact-finding hearings.

5. How is the DLR handling the public nature of some of its proceedings?

The DLR will provide electronic access to a hearing to any member of the public who requests it.

6. How would you like us to handle e-filing documents prior to investigations if we don't have access to a scanner at home?

If you already have the document in an electronic format, simply efile it to efile.dlr@mass.gov. If you are unable to scan a document, please efile a list of the documents that you wish to submit. We will contact you to discuss whether you should submit the documents by first class mail.

7. I only have a mobile phone. Will I be able to use all functionalities of WebEx by phone?

If you download the WebEx app onto your smartphone, you can have full access to the conference by video and audio. Or, you can call into the conference using the phone number and code that is listed on the meeting invitation. If you access the meeting only by telephone, you will not see the other participants by video, nor will they be able to see you.

8. If I am unable to identify all persons who will be participating in the investigation and/or unable to submit all documents 3 business days ahead of the investigation, how should I proceed?

Email the DLR and the other party as soon as possible with the information you have and include an explanation of why you are unable to provide the information three business days ahead of the investigation.

9. If we receive relevant documents/materials after 3 business days in advance but before the investigation, what would be the best way to share them?

Email the documents/materials to the other party to the case and efile them to the DLR along with an explanation of why they were not submitted 3 business days ahead of time.

10. How will you handle caucuses?

If the parties need to caucus, the investigator will create breakout rooms in WebEx and place the parties in their respective breakout rooms. In case of technical difficulties, the parties should be prepared to caucus by telephone.

11. If the investigation is scheduled for 10:00 a.m., will the WebEx investigation be held at 10:00 a.m.? Will the links be active in advance to try to test access with clients and witnesses ahead of time?

The meeting invitation will contain a start time of 9:45 a.m. to give parties time to test equipment and ensure that everyone is on the conference. The investigation will begin promptly at 10:00 a.m.

12. What if something comes up during the in-person investigation that would necessitate submitting additional documents?

The investigator has the discretion to decide whether to accept additional documents.

13. Should all parties allow their camera access and/or audio at all times?

Yes, if possible.

14. Will mediators be available prior to start of investigative conferences?

Yes, mediators will be available if the parties request mediation, however it is best if the parties request mediation ahead of time. Mediation requests should be efiled 3 business days ahead of the investigation. However, the DLR will try to accommodate later-filed requests.